

THURSDAY, APRIL 16, 1987

THIRTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Brother Carl Long, Wildwood Church of Christ, McEwen, Tennessee.

Representative Collier led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives present were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

The Speaker announced that Representative Bewley was excused because of business.

The Speaker announced that Representative Moore (Shelby) was excused because of business..

The Speaker announced that Representative Crain was excused because of business.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

148--Study child abuse; amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

384--Polling Places; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

499--To regulate joint custody preference, minor children.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

511--School Board Budgets; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

785--Medicaid Program; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

907--Instruction of public school; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

162--Relative to honoring James David Shadrick; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

87--To regulate Tennessee Children's Service Commission;

669--To regulate choice of physicians, workers' compensation;

954--To amend "Tennessee Natural Areas Preservation Act of 1971";

1000--To erect signs, Tennessee Walking Horse National Celebration;

1031--To regulate education, career ladder program;

1038--To enact Highway Law Revision Act; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 615, 699, 875 and 1121; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 64, 72, 220 and 266; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to request the return of House Joint Resolution No. 171, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Thereupon, House Joint Resolution No. 171 was returned as requested.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolutions Nos. 258 and 259 with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 220; and find same correctly enrolled and ready for the signatures of the Speakers. .

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolution No. 220.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 220; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No. 220; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

CALENDAR

Mr. West moved that House Bill No. 268 be re-referred to the Committee on Calendar and Rules which motion prevailed.

On motion of Mr. Davis (Knox), House Bill No. 253 was withdrawn from the House.

Mr. Jared moved that House Bill No. 619 be placed on the Calendar for Monday, April 20, 1987, which motion prevailed.

House Bill No. 408--Compensation county officers.

Mr. Naifeh moved that House Bill No. 408 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 408 by deleting from the amendatory language of Sections 1 and 2 the following:

to an amount seven and one-half percent (7.5%) greater than the compensation provided on September 1, 1986.

and by substituting instead the following:

and each September 1 thereafter, to an amount no greater than the amount of increase received by state employees during the respective fiscal year.

On motion, the amendment was adopted.

Thereupon, House Bill No. 408, as amended, passed its third and final consideration by the following vote:

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Ayes 90
Noes 5

Representatives voting aye were: Bell, Bivens, Bragg, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Moody, Moore (Lawrence), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--90.

Representatives voting no were: Chiles, Harrill, Lawson, Montgomery and Nance--5.

A motion to reconsider was tabled.

House Bill No. 802--Unemployment Compensation.

Mr. Rhinehart moved that House Bill No. 802 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 802 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-7-301(b), is amended by deleting the words and numbers "4,180.01 and over 130.00" from the end of the table and substituting instead the following:

4,180.01 through 4,220.00	130.00
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(Effective for Benefit Years Established on or After July 7, 1987)

4,220.01 through 4,260.00	131.00
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4,260.01 through 4,300.00	132.00
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4,300.01 through 4,340.00	133.00
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4,340.01 through 4,380.00	134.00
4,380.01 through 4,420.00	135.00
4,420.01 through 4,460.00	136.00
4,460.01 through 4,500.00	137.00
4,500.01 through 4,540.00	138.00
4,540.01 through 4,580.00	139.00
4,580.01 through 4,620.00	140.00
4,620.01 through 4,660.00	141.00
4,660.01 through 4,700.00	142.00
4,700.01 through 4,740.00	143.00
4,740.01 through 4,780.00	144.00
4,780.01 and over	145.00

On motion, the amendment was adopted.

Thereupon, House Bill No. 802, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussey, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton and Mr. Speaker Murray--93.

Representative present and not voting was: Wix--1.

A motion to reconsider was tabled.

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House Bill No. 416--State veterans cemeteries.

Mr. Miller moved that House Bill No. 416 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 416 by deleting the amendatory language of Section 1 in its entirety and by substituting instead the following:

Section _____. The department of veterans' affairs shall provide for Tennessee veterans' cemeteries. It is the legislative intent that the department, in consultation with the select joint committee on veterans' affairs, the department of finance and administration and other appropriate state departments and agencies shall, within existing state resources, identify any available state owned real property and other available financial resources to establish a veterans' cemetery in each of the three (3) grand divisions of the state.

Section _____. The department of veterans' affairs is authorized to accept any private or public funds, including appropriations, to effectuate the purposes of this act. The department is further authorized to use any funds or other assistance made available to the department to effectuate the purposes of this act.

AND FURTHER AMEND by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act or otherwise made available in accordance with Section 1 of this act.

On motion, the amendment was adopted.

Thereupon, House Bill No. 416, as amended, passed its third and final consideration by the following vote:

- Ayes 93
Noes 1

Representatives voting aye were: Bell, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee,

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Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--93.

Representative voting no was: Bragg--1.

A motion to reconsider was tabled.

House Bill No. 305--Collection of Taxes.

On motion, House Bill No. 305 was made to conform with Senate Bill No. 25.

On motion, Senate Bill No. 25, on same subject, was substituted for House Bill No. 305.

Mr. Copeland moved that Senate Bill No. 25 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 25 by deleting the bill in its entirety and substituting instead the following:

SECTION 1. Subsection (b) of Tennessee Code Annotated, Section 67-4-719, is hereby amended by deleting the following:

prescribed in Section 67-6-520 (repealed).

and substituting instead the following:

used by other county officials in the collection of delinquent ad valorem personal property taxes as prescribed in Section 67-4-215 or other relevant statutes.

SECTION 2. Tennessee Code Annotated, Section 67-4-215, is amended by adding the following designated as subsection (b) and renumbering the subsequent subsections accordingly:

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(b) Prior to the issuance of a distress warrant, the local collector shall give not less than ten (10) days written notice to the taxpayer by either:

- (i) delivering such notice in person,
- (ii) leaving such notice at the dwelling place or usual place of business of the taxpayer, or
- (iii) by mailing such notice to the taxpayer's last known address.

SECTION 3. Tennessee Code Annotated, Section 67-5-2402, is hereby amended to delete the language following the ":" in subsection (a) and substitute instead the following:

IN ADDITION TO THIS AMOUNT, YOU OWE BACK TAXES. CONTACT THIS OFFICE IMMEDIATELY OR YOUR PROPERTY MAY BE SOLD.

County Trustee

SECTION 4. Tennessee Code Annotated, Section 67-5-1801, is amended by deleting the section in its entirety and substituting in lieu thereof the following:

The county trustee shall act as collector of all county property taxes and of all municipal property taxes when the municipality does not collect its own taxes. These taxes shall be paid to the trustee at the trustee's office at the county seat or at such other place or places as the trustee may designate.

SECTION 5. Tennessee Code Annotated, Section 67-5-1802 is repealed in its entirety.

SECTION 6. Tennessee Code Annotated, Section 67-5-2003 is amended by deleting said section in its entirety and substituting in lieu thereof the following:

(a) All delinquent personal property taxes may be immediately collected by the county trustee, with the assistance of the delinquent tax attorney selected pursuant to Section 67-5-2404 (if such delinquent tax attorney's assistance is requested by the trustee). The tax books in the hands of the trustee and the delinquent lists furnished to deputy trustees, or the sheriff or constables in any county where the taxpayer or any property liable for the taxes may be found, or the delinquent tax attorney, shall have the force and effect of a judgment and execution from a court of record and shall be ample authority for the officers or delinquent tax attorney having such taxes for collection to distrain and sell a sufficient amount of the personal property to satisfy the delinquent taxes, interest, penalties, costs and attorneys' fees.

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(b) These delinquent personal property taxes may be immediately collected by distraint (distress warrant) and sale of any personal property liable therefor, by suit at law against the taxpayer, and/or by garnishment.

(c) Prior to distraint (seizure) of any personal property the trustee, deputy trustee, or delinquent tax attorney shall give not less than ten (10) days written notice of the intended distraint (seizure) by either:

(i) delivering such notice in person,

(ii) leaving such notice at the dwelling place or usual place of business of the taxpayer; or

(iii) by mailing such notice to the taxpayer's last known address.

(d) Ten (10) days' notice of the time and place of any sale of personalty shall be given by advertisement posted in three (3) public places in the county, one of which shall be at the courthouse door. In addition, at least ten (10) days' written notice of said sale shall be given to the taxpayer by any of the methods outlined in (c) above.

(e) The officers shall in all cases have the personal property present when sold and shall be allowed to retain in addition to the taxes, interest, penalties, costs, and attorney's fees, all commissions, costs and necessary expenses of removing and keeping the property distrained (expenses of seizure, preservation and storage of the property).

(f) Any delinquent tax attorney assisting the trustee shall be allowed attorney's fees, computed as are attorney's fees for collection of real property taxes in Section 67-5-2410.

(g) The trustee may turn over the delinquent list thirty (30) days after such taxes become delinquent to the delinquent tax attorney, selected pursuant to Section 67-5-2402, to file suit to collect delinquent personal property taxes as part of the suit to collect the prior year's real property taxes, or as a separate lawsuit. Such can be done without having first issued a distress warrant. In the event the trustee turns over the delinquent list prior to the mailing of the notice required by Section 67-5-2402, the trustee shall be required to forward written notice by first class mail to the last known property owner at least ten (10) days before the delinquent list is turned over to the delinquent tax attorney. A judgment obtained against a delinquent taxpayer may be enforced as a lien on the property, or as any other judgment, including garnishment or sale of property by the sheriff. If this procedure is used, the trustee is also authorized, as with real property tax records, to turn over records to the court clerk.

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SECTION 7. Tennessee Code Annotated, Section 67-5-2413, is repealed in its entirety.

SECTION 8. Tennessee Code Annotated, Section 67-5-2502 (c) is amended by deleting the present language of the subsection in its entirety and substituting instead the following:

(c) The cost of the certified return receipt mail shall be added to the costs of the suit. If the certified mail is not claimed within twenty (20) days following mailing, the county may proceed as though the notice had been received.

SECTION 9. Tennessee Code Annotated, Section 67-5-2002, is hereby amended by deleting the word "shall" and substituting the word "may" in item (1) of subsection (a).

SECTION 10. Item (2) of subsection (a), Tennessee Code Annotated, Section 67-5-2002, is amended in its entirety, to state:

(2) Trustees publishing the delinquent tax list shall give the lists to papers at least thirty (30) days before being turned over to the tax attorney. Failure of any taxpayer's name to appear on a delinquent tax list publication or incorrect information shall not be a defense to any suit for tax collection.

SECTION 11. Subsection (b) of Section 67-5-2002, Tennessee Code Annotated, is repealed in its entirety.

SECTION 12. Tennessee Code Annotated, Section 67-5-1903, is amended by deleting item (1) of subsection (a) in its entirety and substituting instead the following:

(a)(1) Annually, at the July meeting of the county legislative body, the trustee shall present a report to the county legislative body of all delinquent taxpayers and double assessments in the county. This report shall be verified by affidavit of the trustee and filed with the county clerk.

SECTION 13. Tennessee Code Annotated, Section 67-5-1903, is amended by deleting item (2) of subsection (b) in its entirety and substituting instead the following:

(b)(2) The county legislative body shall not allow the trustee a credit for any item on the report, even though duly sworn to by the trustee, if, after examining each credit, the county legislative body has knowledge or information showing the item to be inaccurate.

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SECTION 14. Tennessee Code Annotated, Section 67-5-2410, is amended by deleting the existing language in its entirety and substituting instead the following:

(a)(1) Upon the filing of suits to enforce the tax lien against real or personal property, an additional penalty of ten percent (10%) upon all delinquent taxes shall accrue and the same is imposed upon the amount due from any defendant to the state, county, or municipality, which penalty shall be devoted to the expense of prosecuting the suits. Such penalty shall be computed on the base amount of delinquent taxes, not including accrued interest or penalties.

(2) This subsection (a) shall not apply to counties with a metropolitan form of government or to counties having the following populations according to the 1970 federal census or any subsequent federal census:

- (A) Not less than 3,765 nor more than 5,200;
- (B) Not less than 6,600 nor more than 6,700;
- (C) Not less than 8,100 nor more than 8,200;
- (D) Not less than 12,300 nor more than 12,350;
- (E) Not less than 12,400 nor more than 12,550;
- (F) Not less than 14,700 nor more than 14,800;
- (G) Not less than 36,900 nor more than 37,100;
- (H) Not less than 56,200 nor more than 56,300.

(b)(1) Upon the filing of suits to enforce the tax lien against real or personal property, an additional penalty of ten percent (10%) upon all delinquent taxes shall accrue and the same is imposed upon the amount due from any defendant to the state, county, or municipality, which penalty shall be devoted to the expense of prosecuting said suits and shall be allowed to the attorney filing the suits as compensation for his services. Such penalty shall be computed on the base amount of delinquent taxes, not including accrued interest or penalties.

(2) This subsection (b) shall apply only to counties with a metropolitan form of government and to counties having the following populations according to the 1970 federal census or any subsequent federal census:

- (A) Not less than 3,765 nor more than 5,200;
- (B) Not less than 6,600 nor more than 6,700;

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- (C) Not less than 8,100 nor more than 8,200;
- (D) Not less than 12,300 nor more than 12,350;
- (E) Not less than 12,400 nor more than 12,550;
- (F) Not less than 14,700 nor more than 14,800;
- (G) Not less than 36,900 nor more than 37,100;
- (H) Not less than 56,200 nor more than 56,300.

(c)(1) The sheriff shall receive as costs to be taxed against each delinquent, seven dollars and fifty cents (\$7.50) for serving all original processes and the statutory fees for all other services performed by the sheriff, and the clerks of the courts shall receive a fee for basic services, to be specified by order of the court, against each delinquent upon the filing of the complaint. Additionally, the clerk shall receive for other services the statutory fees allowed the clerks under existing laws.

(2) No litigation tax shall be imposed.

(3) If necessary to the prompt dispatch of suits for the collection of delinquent taxes, the court may order paid out of delinquent tax money on hand all reasonable expense of prosecuting said suits in addition to that otherwise provided by law.

(d) Additional expenses ordered by the court such as, but not limited to, title examination fees, extra publications, survey fees or other necessary costs, shall be considered as part of court costs of the tax suit.

(e) Clerks shall not be required to prepare petitions, complaints, summons, notices, or orders for the prosecution of tax enforcement suits.

SECTION 15. Tennessee Code Annotated, section 67-5-1804, is amended by deleting the word "at" and substituting instead the language: "and/or".

SECTION 16. Tennessee Code Annotated, Section 67-5-1409, is amended by deleting the word "day" and substituting instead the word "Monday".

SECTION 17. If any individual, partnership, joint venture, corporation, or other legal entity having personal property, tangible or intangible, assessable by the county assessor or other authority, is sold pursuant to the provisions of Section 47-9-101 et seq., the party possessing the security

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interest shall withhold from the proceeds of the sale an amount sufficient to satisfy the personal property taxes assessed under Section 67-5-2101. A party selling the property who fails to withhold such amount shall be held to be personally liable to the trustee or other local taxing authority to which these personal property taxes are due.

SECTION 18. Tennessee Code Annotated, Section 67-5-1806, is amended by adding the following language:

"and personal"

after the language:

"against real"

SECTION 19. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 20. This Act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Moody moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 25 by adding a new section to be appropriately numbered immediately preceding the effective date section and by renumbering the effective date accordingly:

Section _____. Tennessee Code Annotated, Section 67-5-2410, is amended by adding the following language as a new subsection to be appropriately designated:

() Notwithstanding the provisions of this section to the contrary, the ten percent (10%) additional penalty imposed pursuant to this section shall not apply in any county having a population of not less than 49,275 nor more than 49,375, according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 25, as amended, passed its third and final consideration by the following vote:

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Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

Representative present and not voting was: Lawson--1.

A motion to reconsider was tabled.

House Bill No. 277--Fire Sprinkler System.

On motion, House Bill No. 277 was made to conform with Senate Bill No. 641.

On motion, Senate Bill No. 641, on same subject, was substituted for House Bill No. 277.

Mr. West moved that Senate Bill No. 641 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 641 by deleting from Section 1, Item (5) in its entirety and by substituting instead the following:

(5) "Installation" means the initial placement of fire protection equipment or the extension, modification, or alteration of equipment after initial placement. "Installation" includes work throughout the entire building used exclusively for fire protection.

On motion, the amendment was adopted.

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Thereupon, Senate Bill No. 641, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

A motion to reconsider was tabled.

Mr. West moved that House Bill No. 957 be placed on the Calendar for Monday, April 20, 1987, which motion prevailed.

House Bill No. 38--Employee suggestion advisory board.

On motion, House Bill No. 38 was made to conform with Senate Bill No. 89.

On motion, Senate Bill No. 89, on same subject, was substituted for House Bill No. 38.

Mr. King moved that Senate Bill No. 89 be passed on third and final consideration.

Mr. King moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 89 by deleting Section 3 in its entirety and by substituting instead the following:

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

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Mr. King moved that Senate Bill No. 89 be placed on the Calendar for Monday, April 20, 1987, which motion prevailed.

House Bill No. 118--Air Pollution.

On motion, House Bill No. 118 was made to conform with Senate Bill No. 325.

On motion, Senate Bill No. 325, on same subject, was substituted for House Bill No. 118.

Mr. West moved that Senate Bill No. 325 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 325 by deleting the following language from Section 1 as amended:

Provided, however, that no civil penalty in excess of fifty dollars (\$50) per day for each day of violation may be levied pursuant to this section by a local pollution control program for violation of the local air pollution control regulations more stringent than the standards adopted for the state pursuant to this part.

AND FURTHER AMEND by deleting the words and figures "fifty dollars (\$50)" from Section 1 as amended, and by substituting instead the words and figures "ten thousand dollars (\$10,000)".

AND FURTHER AMEND by deleting the language "Any person against whom an assessment in excess of fifty dollars (\$50) per day for each day of each violation has been issued by a local pollution control program pursuant to this section may petition the technical secretary for de novo review of the assessment under the provisions of T.C.A. Section 68-25-116" and by substituting instead the language "Any person against whom an assessment in excess of ten thousand dollars (\$10,000) for each violation has been issued by a local pollution control program pursuant to this section may petition the technical secretary for de novo review of the assessment under the provisions of Tennessee Code Annotated, Section 68-25-116".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 325, as amended, passed its third and final consideration by the following vote:

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Ayes 95
Noes 0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

House Bill No. 51--Tennessee Children's Service Commission.

On motion, House Bill No. 51 was made to conform with Senate Bill No. 87.

On motion, Senate Bill No. 87, on same subject, was substituted for House Bill No. 51.

Mr. King moved that Senate Bill No. 87 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

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A motion to reconsider was tabled.

House Bill No. 213--Agency Rules to Expire.

Mr. King moved that House Bill No. 213 be passed on third and final consideration.

Mr. King moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 213 by adding the following language to the end of the amendatory language of Section 1:

(c) The provisions of subsection (a) shall not apply to the following permanent rules which were duly filed in the office of the secretary of state, between January 1, 1986, and December 31, 1986, and which are stautorily scheduled for expiration by the provisions of Tennessee Code Annotated, Section 4-5-225, on June 30, 1987:

(1) Department of Human Services - Standards for Residential Child Care Institutions - Rule 1240-4-5-.07(e)

On motion, the amendment was adopted.

The bill failed to receive a constitutional majority by the following vote:

Ayes	32
Noes	54
Present and not voting	6

Representatives voting aye were: Bragg, Burnett, Bushing, Byrd, Cain, Collier, Davis (Knox), DeBerry, Dixon, Duer, Ellis, Frensey, Gaia, Garrett, Good, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Love, McAfee, Naifeh, Odom, Robinson (Davidson), Robinson (Washington), Scruggs, Stafford, Turner, L. (Shelby), Webb, Wheeler and Mr. Speaker Murray--32.

Representatives voting no were: Bell, Bivens, Buck, Chiles, Clark, Coffey, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Ivy, Jackson, Jared, Kent, Kisber, Lawson, Long, May, Montgomery, Moody, Moore (Lawrence), Peroulas, Phillips, Purcell, Rhinehart, Ridgeway,

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Severance, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Yelton--54.

Representatives present and not voting were: Head, Miller, Nance, Napier, Robinson (Hamilton) and Shirley--6.

Under the rules, House Bill No. 213 was referred to the Committee on Calendar and Rules.

House Bill No. 784--Group II TCRS.

On motion, House Bill No. 784 was made to conform with Senate Bill No. 515.

On motion, Senate Bill No. 515, on same subject, was substituted for House Bill No. 784.

Mr. Good moved that Senate Bill No. 515 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 515

1) by adding a new section which reads as follows:

State policemen classified as either Prior Class C members or participating in Group II under the provisions of T.C.A. Section 8-36-201(b)(2) shall be covered by the provisions of Senate Bill 618/House Bill 234 of the 95th General Assembly, if such members have twenty-five (25) years of TCRS service credit, the last ten (10) of which shall be state service. The provisions of this Section shall be null and void if Senate Bill 618/House Bill 234 is not enacted by the General Assembly.

2) by deleting the current provisions of Section 2 and substituting the following:

This amendment shall take effect upon passage, the public welfare requiring it. All other sections of the act shall take effect on July 1, 1987, the public welfare requiring it.

On motion, the amendment was adopted.

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Thereupon, Senate Bill No. 515, as amended, passed its third and final consideration by the following vote:

Ayes 95
Noes 0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF HOUSE BILL NO. 101

House Bill No. 101--Government Regulation Reform Act, 1987.

Mr. Copeland moved that House Bill No. 101 be passed on third and final consideration.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 101 by adding to SECTION 2 the following new language:

Such rules and regulations shall continue to be published as provided by law; provided, however that a copy of such rules and regulations as of July 1, 1987 shall be certified by the secretary of state to the Tennessee code commission. Any rules and regulations promulgated after July 1, 1987, shall be published by the secretary of state in a style which is readily recognizable as having been promulgated since the most recent certification.

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AND FURTHER AMEND by deleting SECTIONS 3 and 4 in their entirety and substituting the following new sections:

SECTION 3. The Tennessee code commission need not codify or publish such rules and regulations as are certified to it, but may provide appropriate references or tables, as determined by the commission.

SECTION 4. The committees on government operations of the senate and the house of representatives shall begin a systematic review of the rules and regulations enacted into law pursuant to SECTION 2 and recommend legislation to repeal or amend any provisions which are duplications or restatements of statutory law. No rule or regulation promulgated after July 1, 1987 shall restate or duplicate statutory law.

SECTION 5. This act shall take effect on becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 101 by adding to SECTION 3 the following new language:

The Tennessee code commission shall have legislation prepared for each regular session of the general assembly for the enactment into statutory law of the rules and regulations promulgated during each year following July 1, 1987, and shall submit such legislation to the chairmen of the committees on government operations of the senate and house of representatives.

On motion, the amendment was adopted.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 101 by adding the following as a new section thereto:

SECTION __. Tennessee Code Annotated, Section 4-5-225, is amended by deleting subsection (a) in its entirety.

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AND FURTHER AMEND by adding the following language & punctuation in Section 2 after the word "regulations" and before the word "which":

, except public necessity and emergency rules and regulations promulgated pursuant to Tennessee Code Annotated, Sections 4-5-208 and 4-5-209,

AND FURTHER AMEND by adding the following new section thereto:

SECTION ___. Tennessee Code Annotated Section 4-5-208(a), is amended by deleting the words and figures "one hundred and twenty (120)" wherever it may be found and by substituting instead the words and figures one hundred and eighty (180)".

AND FURTHER AMEND by adding a new section thereto, as follows:

SECTION ___. Tennessee Code Annotated, Section 4-5-209(a), by deleting the words and figures "one hundred and twenty (120)" wherever they may be found and by substituting instead the words and figures "one hundred and eighty (180)".

AND FURTHER AMEND by deleting Section 4 in its entirety and by substituting instead the following:

SECTION 4. This act shall take effect July 1, 1988.

On motion, the amendment was adopted.

Mr. Copeland moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 101 by deleting in Section 2 the language "July 1, 1987" and by substituting instead the language "July 1, 1988".

On motion, the amendment was adopted.

Mr. Copeland moved that House Bill No. 101 be placed on the Calendar for Thursday, April 30, 1987, which motion prevailed.

House Bill No. 176--Comprehensive Health Insurance Pool Act.

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On motion, House Bill No. 176 was made to conform with Senate Bill No. 328.

On motion, Senate Bill No. 328, on same subject, was substituted for House Bill No. 176.

Mr. Kernell moved that Senate Bill No. 328 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

Ms. Williams moved that House Bill No. 1002 be placed on the Calendar for Monday, April 20, 1987, which motion prevailed.

OBJECTION TO BILL ON HOUSE CONSENT CALENDAR

MR. CLERK:

I object to House Bill No. 577 which is on the House Consent Calendar for Thursday, April 16, 1987.

Representative Chiles

(Under the rules, the bill will be placed at the heel of the regular Calendar on the next Legislative Day.)

CONSENT CALENDAR

House Joint Resolution No. 144--Sign Marshall Nave Paramedical Center.

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House Bill No. 781--Law Enforcement Activities.

On motion, House Bill No. 781 was made to conform with Senate Bill No. 301.

On motion, Senate Bill No. 301, on same subject, was substituted for House Bill No. 781.

House Joint Resolution No. 185--Floyd Carothers Highway.

House Joint Resolution No. 186--Naming Albert M. Dement Highway.

House Bill No. 674--Sales Tax on Repair Services.

House Bill No. 647--Notification of certain parolees.

On motion, House Bill No. 647 was made to conform with Senate Bill No. 869.

On motion, Senate Bill No. 869, on same subject, was substituted for House Bill No. 647.

House Bill No. 209--Executive Steering Committee.

On motion, House Bill No. 209 was made to conform with Senate Bill No. 408.

On motion, Senate Bill No. 408, on same subject, was substituted for House Bill No. 209.

House Joint Resolution No. 260--Honoring Coach Jill Pruden.

House Joint Resolution No. 261--Anniversary Mount Pleasant Baptist Church.

House Joint Resolution No. 262--Recognizing anchor Bill Williams.

House Joint Resolution No. 263--Commending Commissioner Keith Bissell.

House Joint Resolution No. 264--Congratulating Coach Gary Pundles.

House Joint Resolution No. 265--Congratulating Coach Bobby Wilson.

House Joint Resolution No. 271--Congratulating Roger and Mabel Brashears.

House Bill No. 1249--Hamilton County Liquid Waste Pumpers.

House Bill No. 1257--Charter City of Kingston.

House Bill No. 1258--Charter of Kingston.

House Bill No. 1259--Charter of Kingston.

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House Bill No. 1260--Charter of Kingston.

House Bill No. 1261--Charter of Kingston.

House Bill No. 1262--Charter of Kingston.

House Bill No. 1263--Charter of Kingston.

House Bill No. 1266--Charter of Kingston.

House Bill No. 1272--Superintendent of Schools, Bedford County.

Senate Joint Resolution No. 144--Honoring Miss Louise Murphy.

Senate Joint Resolution No. 145--Commending Dave Loggins.

Mr. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 196--Not-for-Profit Corporations.

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SENATE AMENDMENT NO. 5

Amend House Bill No. 196 by deleting in Section 1.70 the following new subsection:

() The provisions of subsections (a) and (b)(1) and (b)(2) shall not apply to mutual benefit corporations.

FURTHER AMEND by deleting in Section 3.04 the following new subsection:

() The provisions of this section shall not apply to mutual benefit corporations.

SENATE AMENDMENT NO. 7

Amend House Bill No. 196 by deleting in Section 8.60 the following paragraph: (d)(5).

Ms. Williams moved that the House concur in Senate Amendments Nos. 5 and 7, which motion prevailed by the following vote:

Ayes	85
Noes	7
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, and Mr. Speaker Murray--85.

Representatives voting no were: Davidson, Duer, Harrill, Rhinehart, Shirley, Winningham and Yelton--7.

Representative present and not voting was: Head--1.

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A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 603--Sewage disposal systems.

SENATE AMENDMENT NO. 2

Amend House Bill No. 603 in Section 1, as amended, in the first sentence of the amendatory language by inserting between the words "issued for" and "lots in subdivisions" the following:

single family residence

AND FURTHER AMEND in the fourth sentence of the amendatory language of Section 1, as amended, by deleting the figure "(1)" and by substituting instead the figure "(a)".

Mr. Stallings moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 636--Mental Health-Mental Retardation License Law Reform Act.

SENATE AMENDMENT NO. 2

Amend House Bill No. 636 in the first sentence of the first paragraph of Section 3 by inserting immediately after the language "a partnership," and before the language "or corporation," the following language:

and association, a governmental agency,

and in the second sentence of the first paragraph by inserting immediately after the language "partnership," and before the language "or corporations" the following language:

associations, governmental agencies,

Mr. Cross moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

73--Citizens bonds/Local Government Public Obligation Act of 1986; substituted for Senate Bill on same subject, amended, and

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passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

444--Health Facilities; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

490--Relative to the valuation of agriculture; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1114--Revises Television and Film Production Law of 1980; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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NOTICE PURSUANT TO RULE NO. 59

Pursuant to Rule No. 59, sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, April 20, 1987:

House Bill No. 444--Rhinehart

House Bill No. 1114--Naifeh

House Bill No. 785--Odom

House Bill No. 490--Tanner

House Bill No. 907--DeBerry

House Bill No. 511--Starnes

House Joint Resolution 148--Naifeh

Senate Bill No. 499--Scruggs

NOTICE PURSUANT TO RULE NO. 59

Pursuant to Rule No. 59, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, April 22, 1987:

House Bill No. 384--Bivens

BILLS RE-REFERRED

On motion of Mr. Chiles, House Bill No. 869 was recalled from the Committee on Commerce.

On motion of Mr. Chiles, House Bill No. 869 was re-referred to the Committee on Judiciary.

On motion of Mr. Chiles, House Bill No. 871 was recalled from the Committee on Commerce.

On motion of Mr. Chiles, House Bill No. 871 was re-referred to the Committee on Judiciary.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 33--Open records law--By Buck, Purcell, Cross and Curlee.

The Speaker referred House Resolution No. 33 to the Committee on Judiciary.

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House Joint Resolution No. 272--Moving airport operations, Smyrna Airport--By West.

The Speaker referred House Joint Resolution No. 272 to the Committee on State and Local Government.

House Joint Resolution No. 273--Congratulating Weakley County All-State basketball honors--By Herron.

Under the rules, House Joint Resolution No. 273 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 274--Honoring Civil Air Patrol--By Bushing and Purcell.

Under the rules, House Joint Resolution No. 274 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 275--Study statewide housing needs--By Bushing and Purcell.

The Speaker referred House Joint Resolution No. 275 to the Committee on General Welfare.

House Joint Resolution No. 276--Expressing sorrow James Beecher "Jim" Edlridge--By Bivens and Harrill.

Under the rules, House Joint Resolution No. 276 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 277--Change name Fort Pillow State Prison--By Crain.

The Speaker referred House Joint Resolution No. 277 to the Committee on State and Local Government.

House Joint Resolution No. 278--Commending Howard Inn in Washington--By Drew.

Under the rules, House Joint Resolution No. 278 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 279--Honoring Miss Melissa Sines--By Turner (Hamilton) and Bivens.

Under the rules, House Joint Resolution No. 279 was referred to the Committee on Calendar and Rules.

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SENATE JOINT RESOLUTIONS

(Congratulatory and Memorializing)

Senate Joint Resolution No. 162--Honoring James David Shadrick.

Under the rules, Senate Joint Resolution No. 162 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1276--Brentwood privilege tax--By Frensley and Hobbs.

Passed first consideration.

House Bill No. 1277--Presidential Preference Primary--By Kisber, Bragg and Naifeh.

Passed first consideration.

House Bill No. 1278--Charter of Oakland--By Naifeh.

Passed first consideration.

REPORT OF DELAYED BILLS COMMITTEE

The undersigned members of the Delayed Bills Committee have approved the following bill: House Bill No. 1275.

Ed Murray, Speaker

Jimmy Naifeh

John Chiles, Jr.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1271--Amend Charter, Portland.

Passed second consideration and held without reference.

House Bill No. 1275--Licensure hearing aid dispensers.

Passed second consideration and referred to Committee on General Welfare.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills

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Nos. 29, 97 and House Joint Resolution No. 220 with his approval.

DAVID H. WELLES,
Counsel to the Governor.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 176--Starnes

House Bill No. 417--Turner, C. (Shelby) and Williams

House Bill No. 813--Odom

House Joint Resolution No. 155--Phillips

House Joint Resolution No. 261--May

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 86, 234, 586, 614, 929, 1253, 1254, 1255, 1256, 1264, 1265 and 1269; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 423, 615, 699, 875 and 1121; House Resolution No. 31; and House Joint Resolutions Nos. 64, 72 and 266; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 423, 615, 699, 875 and 1121; and House Joint Resolutions Nos. 64, 72 and 266; and House Resolution No. 31.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 110, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, 229, 230 and 231; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

171--Commending Major Hooper.

The Senate lifted the tabling motion, reconsidered adoption of the resolution, adopted Amendment No. 1, then readopted the resolution, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1258--To establish General Sessions Court, Division 1, Sumner County;

1279--To increase membership, Sumner County Board of Education; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

148--Relative to honoring Coach Jerry Lott and McNairy Central High School girls' basketball team;

151--Relative to honoring Dr. Albert George Berry;

163--Relative to commending Michael Lee Tooley; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

- 252--To provide additional compensation, certain sheriffs;
- 380--To provide housing, certain persons;
- 449--To regulate Excise Tax Law;
- 867--To regulate maternal, infant and child health;
- 1135--To clarify taxation of coin operated amusement devices;
- 1229--To fix compensation, certain general sessions judges;
- 1273--To levy privilege taxes, certain metropolitan governments;
- 1274--To levy privilege taxes, certain metropolitan governments; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 408, 416, 674, 802, 1249, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1266 and 1272; and House Joint Resolutions Nos. 144, 185, 186, 260, 261, 262, 263, 264, 265 and 271; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, April 20, 1987: Senate Bills Nos. 417, 78; House Bills Nos. 997, 631, 1244, 756, 290, 609, 202, 976, 960, 1038, 817, 794, 1103, 1097, 359, 619, 957; Senate Bill No. 89; and House Bills Nos. 1002 and 577.

PHILLIPS, Chairman.

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LOCAL BILL TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 48, the following local bill, having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and Rules: House Bill No. 1271.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, April 20, 1987: House Bills Nos. 343, 1007, 878, 978, 975, 812, 26, 188; House Joint Resolutions Nos. 167, 273, 274, 276, 278, 279; House Bill No. 1271 and Senate Joint Resolution No. 162.

PHILLIPS, Chairman.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

On motion of Mr. Naifeh, the House adjourned until 4:00 p.m., Monday, April 20, 1987.